

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SERGIO TORRES, *individually and on behalf of others similarly situated,*

Plaintiff,

-against-

GOLDEN HOME FURNITURE INC. d/b/a Golden Home Furniture; 7 STAR HOME FURNITURE INC. d/b/a 7 Star Furniture; MOHAMMAD ALDAOU; FRANK DOE; and DAVID ALDAOU a/k/a Akman,

Defendants.

USDC SDNY
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DATE FILED: 11/12/2024

1:20-cv-4789 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On August 20, 2024, the parties in this case notified the Court that they had reached a settlement in principle. [ECF No. 135]. On October 3, 2024, Defendants' counsel notified the Court by letter of his intention to withdraw as counsel. [ECF No. 140]. Although this case has been settled in principle, the Court must approve the parties' settlement of this FLSA case pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 200 (2d Cir. 2015). Accordingly, the Court denied counsel's motion and directed the parties to submit a motion for settlement approval through existing counsel by October 11, 2024. [ECF No. 141]. In the alternative, the Court directed defendant's counsel to notify the Court whether Defendants intend to obtain new counsel by October 11, 2024. [ECF No. 141]. On October 9, 2024, Defendant's counsel notified the Court that Defendants have not answered their calls or responded to any correspondence. [ECF No. 142].

A post-discovery conference was held on November 12, 2024, at which the parties were represented by current counsel and the foregoing matters were discussed.

IT IS HEREBY ORDERED that if Defendants' counsel intends to seek leave to withdraw, counsel shall file a motion to withdraw by November 19, 2024. IT IS FURTHER ORDERED that, by November 26, 2024, Plaintiff shall advise the Court how he intends to proceed with prosecution of his claims.

The parties are reminded that failure to comply with this Order or with any order of the Court or failure to comply with the FRCP, the Local Rules for the SDNY or this Court's Individual Practice Rules, or the parties' discovery or other obligations thereunder may result in sanctions, including monetary penalties on counsel and/or the parties, dismissal or preclusion of claims, defenses, arguments, or evidence.

SO ORDERED.

Date: November 12, 2024
New York, NY


MARY KAY VYSKOCIL
United States District Judge